

RETURN OF OFFICER SERVING SEARCH WARRANT

A search warrant must be executed as soon as reasonably possible after its issuance, and in any case may not be validly executed more than 7 days after its issuance. The executing officer must file his or her return with the court named in the warrant within 7 days after the warrant is issued. G.L. c. 276, §3A

his search warrant was issued on FEBRUARY 22, 2001 XXXX, and I have executed it as follows
DATE

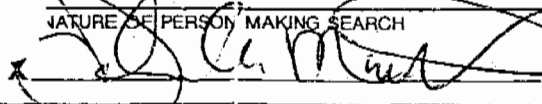
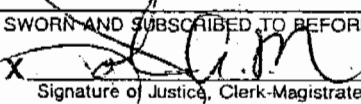
The following is an inventory of the property taken pursuant to this search warrant:

1. ONE RALPH LAUREN "POLO" BLACK & WHITE PLAID LONG SLEEVE SHIRT/ WITH POLO EMBLEM
2. ONE PAIR OF BLACK DENEIM PANTS
3. ONE BLACK & WHITE DEW RAG
4. ONE PAIR OF BLACK SNEAKERS
5. ONE SILVER CHAIN WITH LARGE STERLING CROSS
6. ONE POLICE SCANNER
7. PERSONAL PAPERS IN THE NAME OF LEON ROBINSON
8. PHOTOGRAPHIC REPRESENTATION (INTERIOR & EXTERIOR)
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

(attach additional pages as necessary)

This inventory was made in the presence of: SGT. DET. JAMES WYSE, DETS. MICHAEL PRIMM, GARRETT
MITCHELL & POLICE OFFICER TECHNICIAN CHARLES HARDY

I swear that this inventory is a true and detailed account of all the property taken by me
on this search warrant.

NATURE OF PERSON MAKING SEARCH 	DATE AND TIME OF SEARCH 02/22/2001 03:15 hrs.	SWORN AND SUBSCRIBED TO BEFORE 
PRINTED NAME OF PERSON MAKING SEARCH JOHN A. MARTEL	TITLE OF PERSON MAKING SEARCH DETECTIVE, HOMICIDE UNIT	DATE SWORN AND SUBSCRIBED TO @ FEBRUARY 23, 2001

SEARCH WARRANT

JOHN A. MARTEL

G.L. c. 276, §§ 1-7

Detective, Boston Police Homicide Unit

Brighton

COURT DEPARTMENT

CRIMINAL

DIVISION

SEARCH WARRANT DOCKET NUMBER

0108 267**TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:**Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the property described below:

- ☐ has been stolen, embezzled, or obtained by false pretenses.
- ☐ is intended for use or has been used as the means of committing a crime.
- ☐ has been concealed to prevent a crime from being discovered.
- ☐ is unlawfully possessed or concealed for an unlawful purpose.
- ☒ is evidence of a crime or is evidence of criminal activity.
- ☐ other (specify) _____

YOU ARE THEREFORE COMMANDED within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

A black revolver and ammunition. One pair of black slacks, one black and white Polo print long sleeve shirt. Personal papers to show proof of residency, and/or occupancy of said premises. Photographic representation of said premises, and evidence collected.

☒ at:

All rooms, closets and depositories of apartment 53, located at 27 Spring Street, West Roxbury, Massachusetts. A 2 1/2 story wooden multiple dwelling house, with the name Robinson on bell #53, so numbered.

which is occupied by and/or in the possession of: Leon Robinson Jr., Black/Male, d.o.b. 12/06/63

☐ on the person or in the possession of:You ☐ are ☐ are not also authorized to conduct the search at any time during the night.You ☐ are ☐ are not also authorized to enter the premises without announcement.You ☐ are ☐ are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.**YOU ARE FURTHER COMMANDED** if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the

Division of the _____

A true copy, Attest.

Court Clerk

DATE ISSUED

SIGNATURE OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

X

FIRST OR ADMINISTRATIVE JUSTICE

PRINTED NAME OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

WITNESS:

APPLICATION FOR SEARCH WARRANT

G.L. c. 276, §§ 1-7

Case 1:04-cv-11023-RCL Document 49-3 Filed 09/01/2005 Page 3 of 6
TRIAL COURT OF MASSACHUSETTS



NAME OF APPLICANT

JOHN A. MARTEL

BRIGHTON DISTRICT COURT DEPARTMENT

CRIMINAL DIVISION

POSITION OF APPLICANT

Detective, Boston Police Homicide Unit

SEARCH WARRANT DOCKET NUMBER

I, the undersigned **APPLICANT**, being duly sworn, depose and say that:

1. I have the following information based upon the attached affidavit(s), consisting of a total of 3 pages, which is (are) incorporated herein by reference.

2. Based upon this information, there is **PROBABLE CAUSE** to believe that the property described below:

- ☐ has been stolen, embezzled, or obtained by false pretenses.
- ☐ is intended for use or has been used as the means of committing a crime.
- ☐ has been concealed to prevent a crime from being discovered.
- ☐ is unlawfully possessed or concealed for an unlawful purpose.
- ☒ is evidence of a crime or is evidence of criminal activity.
- ☐ other (specify) _____

3. I am seeking the issuance of a warrant to search for the following property (describe the property to be searched for as particularly as possible):

A black revolver and ammunition. One pair of black slacks, one black and white Polo print long sleeve shirt. Personal papers to show proof of residency, and or occupancy of said premises. Photographic representation of said premises, and evidence collected.

4. Based upon this information, there is also probable cause to believe that the property may be found (check as many as apply):

☒ at (identify the exact location or description of the place(s) to be searched):

All rooms, closets and depositories of apartment 53, located at 27 Spring Street, West Roxbury, Massachusetts. A 2 1/2 story wooden multiple dwelling house, with the name Robinson on bell #53, so numbered.

which is occupied by and/or in the possession of: Leon Robinson Jr., Black/Male, d.o.b. 12/06/63

☐ on the person or in the possession of (identify any specific person(s) to be searched):

☒ on any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

THEREFORE, I respectfully request that the court issue a Warrant and order of seizure, authorizing the search of the above described place(s) and person(s), if any, to be searched, and directing that such property or evidence of any part thereof, if found, be seized and brought before the court, together with such other and further relief as the court may deem proper

- ☐ I have previously submitted the same application.
- ☒ I have not previously submitted the same application.

A true copy, Attest:
Asst. Clerk

PRINTED NAME OF APPLICANT

JOHN A. MARTEL

SIGNED UNDER THE PENALTIES OF PERJURY

X

Signature of Applicant

SWORN AND SUBSCRIBED TO BEFORE

X

James Henry Murphy

Signature of Justice, Clerk/Magistrate or Assistant Clerk

February 22, 2001

DATE

I, John A. Martel, being duly sworn, depose and say that I have been a Detective in the Boston Police Homicide Unit, for the past five and a half years. During this assignment I have been involved in excess of over one hundred homicide related and unrelated investigations.

1. On February 21, 2001, at 16:40 hours operations was notified of a male shot inside of 1587 Commonwealth avenue, Brighton, Massachusetts. Unit K425F, Police Officer Joseph Murray and Unit K426F, Police Officer Courtney Powell responded upon request by Operations.
2. Upon arrival they observed a black male lying face down without any vital signs, with apparent gunshot wounds to the back and head. Health & Hospitals Arabulance, A-14, with Paramedics Williams and Temple arrived and pronounced the victim at 16:48 hours.
3. Operations made full notifications of the Homicide Unit, Identification Unit, Ballistics Unit and the Crime Lab Unit at 17:02 hours. Sergeant Detective Kevin Mullen of Area D-14 arrived and set security tape in place to protect the crime scene, assisted by other Detectives and Police Officers assigned to Area D-14.
4. Upon arrival, Sergeant Detective James Wyse, along with Detectives John Martel and Michael Primm began the investigation into the death of the victim, later identified as Ricardo Robinson, age 41, and d.o.b. 02/13/60, of 28 Fayston Street, Roxbury, Massachusetts. He is married and the father of six children.
5. Witnesses to this incident, which took place inside of the barbershop, owned by the victim, were transported to area D-14, to be interviewed. Sergeant Wyse processed the scene, and Detective Primm and Martel responded to Area D-14 and conducted the interviews.
6. One James Rainey, (biographical information know to the writer), stated he was inside of the Barber shop for approximately twenty minutes prior to the shooting of Ricardo Robinson, and stated he left shortly before the incident occurred, but stated that Ricardo and a male known to him as "Barley", were involved in a heated argument. He said he went home and received a phone call a short time later and the person told him, that Ricardo was shot by the person he was arguing with.
7. Mr. Rainey was asked if he would be able to identify that person, if he saw a picture of him, and he stated "Yes, I've seen him around this area before, and I've heard someone call him "Barley" or "Marley", in the past. He then was requested to sit at the computer, at which time Detective Martel brought up photographs of individuals. After viewing nine photographs, Mr. Rainey positively identified one Leon Robinson, Photo # 0000432-14, Criminal Record # 13027593, as being the person he observed in the heated argument with Ricardo Robinson.

Boston Police

D E P A R T M E N T

1 Schroeder Plaza, Boston, MA 02120-2014



To: Deputy Superintendent Paul J. Farrahar,
Commander, Boston Police Homicide Unit

From: Detective John A. Martel,
Boston Police Homicide Unit

Subject: Execution of Search Warrant,
27 Spring Street, Apartment #53, West Roxbury, Massachusetts

Sir,

On February 21, 2001, at approximately 22:30 hours, **Leon Robinson** was arrested for the shooting death of **Ricardo Robinson**, who had been killed earlier that day at 1587 Commonwealth Avenue, Brighton, Massachusetts.

Based upon information received through the initial investigation, as well as through interviews of police officers and civilian witnesses, the undersigned prepared an application for a search warrant for **Leon Robinson's** residence at **27 Spring Street, apartment #53, in West Roxbury**. The application consisted of the **Application for Search Warrant**, the undersigned's **Affidavit in Support** thereof, and the **Search Warrant** itself. The undersigned met with the on-call justice, the **Honorable Anne Henry Chaplin**, in the early morning hours of February 22, 2001. After reviewing the affidavit and Application for Search Warrant in the presence of the undersigned, Judge Chaplin signed each document and stated to the undersigned, "I hereby issue this warrant - good luck". None of the parties realized at the time that the judge had neglected to sign the actual Search Warrant.

Unaware that the judge had omitted to sign the Search Warrant, the undersigned continued to 27 Spring Street, Apartment #53, where, under the supervision of Sergeant Detective James Wyse, the undersigned and other members of the Boston Police Department Homicide Unit made a peaceful entry of the premises at approximately 03:15 hours. The undersigned and Detective Michael Primm conducted the search for, and collection of evidence. In addition, Police Officer Charles Hardy of the Identification Unit photographed the interior and exterior of the premises.

(2)

The following items were seized as evidence:

1. One Ralph Lauren "Polo" black and white plaid long sleeve shirt.
2. One pair of black denim pants.
3. One black and white dew rag.
4. One pair of black sneakers.
5. One large silver chain, with a large sterling silver cross, attached.
6. One police scanner, (operating when recovered).
7. Personal papers in the name of Leon Robinson.
8. Photographic representation, (interior and exterior).

Upon completion of the search, the premises were secured using keys recovered from Leon Robinson pursuant to his arrest. The Boston Housing Authority and Housing Police were notified, and the items recovered pursuant to the Search Warrant were taken to the Homicide Unit, where the items were tagged and submitted to the Boston Police Department Crime Lab for analysis.

The undersigned then began the cataloging process, by listing the recovered items on the reverse page of the Search Warrant. While listing the items, the undersigned, discovered that the issuing judge had neglected to sign the Search Warrant, at the time she endorsed the Application for Warrant and the Affidavit in Support. The undersigned also discovered a clerical error in the body of the Affidavit itself. In drafting paragraphs 6 and 7 of the Affidavit, the undersigned had inadvertently attributed the information contained in those paragraphs to **Lamar Shanks** instead of the correct source, **James Rainey**.

Upon these discoveries, the undersigned contacted Assistant District Attorney Mark Lee of the Suffolk County District Attorney's Office Homicide Unit and appraised him, of the situation. The undersigned then drafted an amended affidavit, simply changing the name from Lamar Shanks to James Rainey in paragraphs 6 and 7. The corrected affidavit will be attached as an addendum to the original signed affidavit and will be returned to Brighton District Court, with the other documents.

Detective John A. Martel,
Boston Police Homicide Unit